In the Supreme Court of the United States

OCTOBER TERM, 1963

No. 780

IVORY C. SLATER, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

OPINION BELOW

The opinion of the court of appeals (R. 500–501) is reported at 324 F. 2d 494.

JURISDICTION

The judgment of the court of appeals was entered on November 19, 1963 (R. 502). A petition for rehearing was denied on December 27, 1963 (R. 503–507). The petition for a writ of certiorari was filed on January 23, 1964. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

720-627—64

QUESTION PRESENTED

Whether in a prosecution for offering a bribe to a juror the government adequately proved the nature of the case to which the bribe related.

STATEMENT

Petitioner was convicted in the United States District Court for the Southern District of Texas of offering a bribe to a juror in a federal criminal trial in violation of 18 U.S.C. 206 (R. 4–5, 459). He was sentenced to imprisonment for five years and fined $5,000 (R. 490). The conviction was affirmed on appeal.

The trial at which the offer of the bribe was alleged to have been made was described in the indictment as "Criminal No. 14,342 * * * in which Lynn K. Peterson was charged with a violation of Section 7201, Title 26, United States Code, and Section 1001, Title 18, United States Code and William H. Scott, Jr., was charged with violation of Section 1001, Title 18, United States Code; * * *" (R. 4).

At the start of the trial the government's attorney showed Government Exhibits 1 and 2 to opposing counsel. This colloquy then followed (R. 122–123):

> Mr. SUSMAN [government attorney]. These are certified copies of the minutes of the Court on September 10th, Your Honor. I believe counsel is familiar with them.
>
> The COURT. Showing the selection of the jury?

Mr. SUSMAN. Yes, Your Honor. And Government Exhibit Number 2 is a certified copy of the indictment of that trial.

Mr. CASH [petitioner's counsel]. We will admit the authenticity of the documents, but other than that, we make no admissions, Your Honor.

The COURT. They will be received. Why don't you simply tell these gentlemen of the jury what they are, instead of reading them.

Mr. SUSMAN. Yes, Your Honor.

(Government's Exhibits 1 and 2 received in evidence.)

Government counsel then explained the documents, saying in part:

> Government Exhibit 2 is a certified copy of the indictment in the trial, which was specified in Government Exhibit Number 1, involving Lynn K. Peterson and William H. Scott, Jr.

In closing argument to the jury government counsel stated (R. 416):

> Now, let's take a look at the evidence. The first evidence the Government introduced was the minutes of the Court, which was Government's Exhibit Number 1, and the second evidence was Government Exhibit Number 2, the indictment in the Peterson and Scott case. That proves, of course, that Edward Singleton, Jr., was on the jury that day, he was a duly qualified juror on September the 10th, and that the case on trial was Lynn K. Peterson and William H. Scott, Jr.; and the indictment, Government Exhibit Number 2, is the charge

which Mr. Scott and Mr. Peterson were being tried for at that time.

ARGUMENT

In view of the record set forth above, which shows that the indictment was received in evidence, the contention that the government did not prove the indictment against Peterson and Scott is frivolous.

CONCLUSION

For the reasons stated it is respectfully submitted that the petition for a writ of certiorari should be denied.

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